

REMARKS/ARGUMENT

Amendments to the Specification

The title is amended to more closely reflect the claimed subject matter.

Amendments to the Claims

Entry of the amendments to claims cancelling claims 1-23, without prejudice, and replacing them with new claims 24-32, as shown in the Listing of Claims, is respectfully requested. No new matter is added in the new claims 24-32.

New independent claim 24 is a combination of original claims 6, 7 and 8.

Support for the ratios and molecular weights of new dependent claims 25-27 is found on page 5, lines 3-14, of the specification.

New dependent claim 28 is the same as original claims 5 and 16.

Support for molecular weight and viscosity ranges of new dependent claims 29 and 30 is found on page 9, line 20, thru page 10, line 2, of the specification.

Support for salt forms of chitosans of new dependent claim 31 is found on page 10, lines 2-4, of the specification.

Support for the preferred diameter range of new claim 32 is found on page 7, line 11, of the specification.

Accordingly, entry of the new claims and further examination based on the same is respectfully requested.

Rejection under 35 USC §102(b)

In the Office Action, claims 1-23 are rejected under 35 U.S.C. §102(b), as being anticipated by Garces Garces et al., WO 01/01926 (reference herein is to the text of equivalent US Patent 6,818,926).

Applicants respectfully submit that Garces Garces et al. does not disclose an aqueous fabric treatment composition comprising microcapsules having an inner core comprised of a soil repellant and an outer membrane consisting essentially of chitosan, wherein the soil repellant is selected from ethylene terephthalate, polyethylene glycol terephthalate groups or a combination thereof. At col. 11, lines 37-40, under the heading "Active Principles for Detergent Applications", Garces Garces et al. states that the disclosed microcapsules can contain, among others, "redeposition inhibitors". The disclosure of "redeposition inhibitors" in col. 12, lines 24-42, does not include the claimed ethylene terephthalate, polyethylene glycol terephthalate group soil repellants in the inner core of the claimed microcapsules.

On the other hand, Garces Garces et al. does disclose the claimed ethylene terephthalate, polyethylene glycol terephthalate group soil repellants - but only as other "typical ingredients" which may be included in the detergent composition along with the microcapsules containing the afore-mentioned "Active Principles". This disclosure concerning soil repellants begins in col. 19, line 30, under the heading "Determent [*sic.* Detergent] Preparations". Thus, at col. 19, lines 31-39 and lines 51-58, Garces Garces et al. states:

[lines 31-39] "In another embodiment of the present invention, the microcapsules are used for the production of detergents, especially laundry detergents, dishwashing detergents, cleaning compositions and fabric softeners, in which they may also be present in quantities of 0.1 to 99% by weight and preferably in quantities of 1 to 5% by weight, based on the preparations."

[lines 51-58] "The compositions used in the detergent field may contain other typical ingredients such as, for example, solvents, hydrotropes, bleaching agents, builders, viscosity adjusters, enzymes, enzyme stabilizers, optical brighteners, soil repellents, foam inhibitors, inorganic salts and perfumes and dyes, with the proviso that these additives are sufficiently stable in storage in the aqueous medium."

(Underlining added)

Clearly then, soil repellants are not disclosed as included in the core of the microcapsules of Garces Garces et al. Applicants therefore respectfully solicit withdrawal of the rejection under 35 U.S.C. §102(b) for anticipation.

Rejection under 35 USC §103(a)

In the Office Action, claims 1-23 are rejected under 35 U.S.C. §103(a), as being obvious over Garces Garces et al., WO 01/01926 (reference herein is to the text of equivalent US Patent 6,818,926).

Applicants respectfully submit that the aqueous fabric treatment composition comprising microcapsules having an inner core comprised of a soil repellant and an outer membrane consisting essentially of chitosan, wherein the soil repellant is selected from ethylene terephthalate, polyethylene glycol terephthalate groups or a combination thereof of new claim 24 is not obvious in view of Garces Garces et al. As set out above, Garces Garces et al. clearly distinguishes between "Active Principles" which are components of the microcapsule core and "typical ingredients" of the detergent compositions containing such microcapsules and includes the soil repellants only in the latter. Applicants submit that it is the epitome of non-obviousness that such distinction between Active Principles (not including the soil repellants) and the "other typical "detergent composition ingredients (including the soil repellants) is clearly made in the same document.

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Moreover, Garces Garces et al., in the section on Detergent Preparations, is directed to the release of the active principle, i.e., the laundry detergent or fabric softener, during the washing process. Applicants' microcapsule and active soil repellent component, on the other hand, act long after the washing process, that is, during the wearing or other use of the treated fabric, due to the absorption of the chitosan-coated microcapsules onto the fabric.. This difference further illustrates the non-obviousness of applicants' claimed microcapsule composition.

Accordingly, Applicants respectfully solicit withdrawal of the rejection for obviousness under 35 U.S.C. §103(a) over Garces Garces et al.

There are no further rejections in the subject Office Action. (The potential objection to claims 20-23 is made moot by the foregoing claim amendments.) It is believed that the foregoing amendment to the specification and reply are completely responsive under 35 CFR 1.111 and that all grounds of rejection are completely avoided and/or overcome. Applicants therefore respectfully request that a timely Notice of Allowance be issued in this application

The Examiner is requested to telephone the undersigned attorney if any further questions remain which can be resolved by a telephone interview

Respectfully submitted,

Nuria BONASTRE GILBERT, et al.

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(Date):

By: *Arthur G. Seifert*

ARTHUR G. SEIFERT

Registration No. 28,040

COGNIS CORPORATION

300 Brookside Avenue

Ambler, PA 19002

Telephone: (215) 628-1129

Facsimile: (215) 628-1345

E-Mail: ART.SEIFERT-CONTRACT@COGNIS.COM

AGS:mc